

but any extraordinary outlay of personalty on the land should retain the character of personalty, *In re Badcock*, 4 Myl. & C. 440, and see *Awdley v. Awdley*, 2 Vern. 192. But in administering the estate of a lunatic the Chancellor may in pressing cases apply personal estate to any extent in payment of debts, and is to take every advantage that tends fairly towards ordinary improvement, considering only the immediate interest of the proprietor; but consistently with that, alteration of the property is as far as possible to be avoided, and great care taken that nothing extraordinary is attempted, as purchasing estates, disposing of interests, engaging in adventures, &c. *Oxenden v. Lord Compton supra*; *Exp. Grimstone*, Ambl. 705. But larger powers in this respect are given under our Acts of Assembly, though it is presumed the general principle still holds.

Maryland legislation.—The Act of 1829, ch. 222, authorized the Court of Chancery to decree a sale or lease of any real or leasehold property of an idiot or lunatic for the payment of his debts, or for his support and maintenance, if for the interest of the idiot or lunatic that it should be sold, provided that the proceeds of sale of the real property be considered real estate and descend to his heirs. This provision together with that of the Act of 1828, ch. 26, is incorporated in the Code, Art. 16, sec. 81.⁶ The Act of 1800, ch. 67, after reciting that the Chancellor is confined in making provision for the support of idiots, &c., to the annual proceeds of the estate, gives him authority under the circumstances there mentioned, to direct the sale of the property of an idiot, &c., and the appropriation or investment of the proceeds, and by its 5th section provides that the principal proceeds of such sales, or so much as is unapplied at the death of the lunatic, shall thereupon belong to such person, his heirs or legal representatives, as would have been entitled to the property in case it had not been sold.⁷

⁶ Code 1911, Art. 16, sec. 116, (as now amended, see note 7 *infra*.)

⁷ **Sale of lunatic's property.**—The acts referred to above were more or less fully incorporated in the Code of 1860, Art. 16, secs. 79-87. Sec. 79 gives the court full power to superintend and direct the affairs of lunatics both as to the care of their persons and the management of their estates, to appoint a committee or trustee, and to make such orders and decrees respecting their persons and estates as to the court may seem proper. "This section," says the Court of Appeals in the case of *Estate of Dorney*, 59 Md. 69, "is as comprehensive as language can make it, and if it stood alone there could be no question of the power of the Court in all cases and in any manner to decree a sale. Subsequent sections of the same Article, however, direct, how and in what manner, this great power shall be exercised in some cases. Certain safeguards are thrown around the procedure not for the purpose of restricting the jurisdiction of the Court, but for the purpose of enabling it to act more advisedly." The case decides that in order to effect a sale under sec. 86 for the payment of the reasonable and just expenses of the lunatic a regular chancery proceeding under sec. 83 is unnecessary. The court adds that the claim of a creditor stands on a different footing and that where he seeks to enforce a debt or collect a lien an adversary proceeding under sec. 83 is necessary.

The case of *Hamilton v. Traber*, 78 Md. 33, decided that a court of equity